

1 THE HONORABLE RICARDO S. MARTINEZ

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

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11 In re JUNO THERAPEUTICS, INC.

CASE NO.: C16-1069 RSM

12 **STIPULATED MOTION AND**
13 **ORDER PURSUANT TO LCR 7(j)**
14 **AND 10(g) AND FCRP 16(b)(4) FOR**
15 **PARTIAL AMENDMENT OF**
16 **SCHEDULING ORDER**
17 **AND**
18 **FOR BRIEFING SCHEDULE FOR**
19 **MOTION FOR CLASS**
20 **CERTIFICATION**

21 Pursuant to Local Civil Rule 7(j) (for relief from a deadline), Local Civil Rule 10(g)
22 (stipulated motions), and Federal Rule of Civil Procedure 16(b)(4) (for modification of a
23 scheduling order), Defendants Juno Therapeutics, Inc., Hans Bishop, Dr. Steven Harr, and Dr.
24 Mark J. Gilbert (collectively, "Defendants"), and Lead Plaintiff Gilbert Hoang Nguyen and
25 proposed class representative Susan Tan hereby submit this stipulated motion requesting that the
26 Court partially modify the Rule 16(b) and Rule 23(d)(2) Scheduling Order Regarding Class
27 Certification Motion (Dkt. No. 80; the "Scheduling Order") to allow for expert discovery in
connection with the class certification motion, and to extend the time for filing the response and

1 reply memoranda. Further, the parties propose that the motion for class certification be filed on
2 September 15, 2017 (as opposed to October 2, 2017). Filing the motion earlier will help allow
3 sufficient time for expert depositions and briefing without causing any undue delay in the case
4 overall. These modifications would not disturb the Court's existing deadlines for the completion
5 of *fact* discovery relating to class certification (September 1, 2017).

6 **I. Background**

7 On July 21, 2017, the Court issued the Scheduling Order setting two deadlines: a
8 deadline of September 1, 2017 for completion of discovery on class certification, and a deadline
9 of October 2, 2017 for Plaintiffs to file their motion for class certification. Dkt. No. 40 at 1. The
10 Scheduling Order provided that the class certification motion be noted on the fourth Friday after
11 filing and service, "unless the parties agree to different times for filing the response and reply
12 memoranda."

13 After the Court issued the Scheduling Order, the parties met and conferred, and Plaintiffs
14 confirmed that they intend to support their motion for class certification with a report from an
15 expert witness. Defendants likewise confirmed that, depending on the content of the motion for
16 class certification and Plaintiffs' expert report, Defendants also intend to file an expert report in
17 support of their opposition to the motion for class certification.

18 **II. Good Cause Exists To Partially Modify The Scheduling Order To Allow Expert** 19 **Depositions After The Class Certification Motion Is Filed**

20 Good cause exists here to partially modify the Scheduling Order to allow the parties to
21 depose one another's experts after the motion for class certification is filed.

22 In securities class actions such as this, the parties typically rely on expert testimony both
23 in support of and in opposition to the motion for class certification. *See, e.g., In re Countrywide*
24 *Fin. Corp. Sec. Litig.*, 273 F.R.D. 586, 609 (C.D. Cal. 2009) (noting that expert testimony is
25 frequently used for class certification motions in securities class actions). Here, the parties have
26 confirmed through a meet and confer that they intend to support, and oppose, class certification
27

1 with the assistance of experts. The parties agree that they will submit reports of such experts at
2 the time of the class certification motion (for plaintiffs) and opposition to class certification (for
3 defendants). The parties further agree that they should have the opportunity to depose each
4 other's class certification expert. The parties cannot feasibly exchange expert reports prior to
5 preparation and filing of their respective briefs in support of and in opposition to the class
6 certification motion. Likewise, the parties cannot depose one another's expert prior to receiving
7 the expert's report and the brief in support of which the expert report is offered. Therefore, the
8 parties respectfully submit that good cause exists to partially modify the Scheduling Order to
9 include a period for expert depositions after their respective motion papers and accompanying
10 expert report(s) have been filed. *See Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th
11 Cir. 1992) (district court may modify the pretrial schedule "if it cannot reasonably be met despite
12 the diligence of the party seeking the extension.") (internal citation omitted).

13 Further, in light of the need for expert depositions in connection with class certification,
14 the parties respectfully request that the Court enter a schedule that allows the parties time
15 following the depositions to file their opposition and reply briefs. The Scheduling Order
16 contemplates that the parties may agree to deadlines for the opposition and reply briefs that differ
17 from the default deadlines in the local rules. Dkt. No. 80 at 1. The parties met and conferred
18 regarding the time frame for the briefing of the motion for class certification and agree that,
19 given the need for analysis and rebuttal of expert reports and the potential complexity of the
20 issues involved, the normal briefing schedule set forth in the local rules will not allow adequate
21 time for the parties to prepare the opposition and reply briefs. In order to allow for prompt
22 completion of briefing on the class certification motion, however, the parties have agreed to
23 move the deadlines up such that Plaintiffs will file their motion for class certification on
24 September 15, 2017 rather than October 2, 2017. The parties respectfully submit that the
25 proposed briefing and expert deposition schedule is reasonable and, because the motion for class
26 certification will be filed two weeks earlier, the proposed schedule will not cause undue delay.
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Therefore, the parties respectfully request that the Court enter a modified scheduling order as follows:

September 15, 2017	Deadline for Plaintiffs' Motion for Class Certification
October 6, 2017	Deadline for Defendants to depose Plaintiffs' expert regarding expert report submitted in connection with Motion for Class Certification
October 20, 2017	Deadline for Defendants' Opposition to Motion for Class Certification
November 3, 2017	Deadline for Plaintiffs to depose Defendants' expert regarding expert report submitted in connection with Opposition to Motion for Class Certification
November 17, 2017	Deadline for Plaintiffs' Reply in support of Motion for Class Certification

Respectfully submitted,

Dated: August 14, 2017

s/ Gregory L. Watts

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Pursuant to stipulation, and good cause appearing, IT IS SO ORDERED.

DATED: August 15, 2017



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE